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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,162	WHISNANT ET AL.	
	Examiner	Art Unit	
	Peter K. Huntsinger	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-15,18,20-37,39-44,47,49-61,63-80 and 82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-15,18,20-37,39-44,47,49-61,63-80 and 82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the request for reconsideration, filed 11/12/08, with respect to the rejection(s) of claim(s) 4, 6, 8-14, 31-34, 47, 49, 51-57 and 74-77 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5-7, 18, 20, 22, 24-30, 40-44, 49, 50, 59-61, 63, 65, 67-73, 83-86, 89 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 in view of Cocotis '964.

Referring to **claim 1**, Shiimori '461 discloses a system for transferring a digital image to a fulfillment center (store server 30 of Fig. 1, col. 9, lines 1-5) to generate a photographic product from said digital image comprising:

a computer readable medium embodying instructions for directing a first processing unit (order-taking server 25 of Fig. 1, col. 9, lines 1-5) to:

Maintain a list of at least one fulfillment centers available to generate a photograph from said digital image (Fig. 4, col. 10, lines 7-16),

Receive a request from a photographer processing unit (client computer 1 of Fig. 1, col. 9, lines 1-5) for a list of options to generate said photographic product from said digital image (Fig. 18, col. 12, lines 14-24),

Transmit to said photographer processing unit said list of options for generating said photographic product (Fig. 18, col. 12, lines 14-24) and a photographer list of at least one fulfillment center that can fulfill said options (Fig. 19, col. 11, lines 35-49),

Receive an order from said photographer processing unit (col. 14, lines 5-10), said order specifying at least one fulfillment center to fulfill the order (col. 14, lines 30-34), and

Transmit said order to a fulfillment center processing unit of said one of said at least one fulfillment centers (col. 14, lines 5-10); and

a second computer readable medium embodying instructions for directing a photographer processing unit (client computer 1 of Fig. 1, col. 9, lines 1-5) to: establish a connection between said photographer processing unit and said first processing unit; receive said photographer list of said fulfillment centers from said first processing unit in said photographer processing unit (Fig. 19, col. 11, lines 35-49); display said photographer list of said fulfillment centers (Fig. 19, col. 11, lines 35-49) and a list of options for at least one of said fulfillment centers (Fig. 32, col. 18, lines 48-51); after said list of options is displayed, receive an input specifying at least one fulfillment center to fulfill said order (col. 13, lines 38-57, ordering information including the store that

excepts the order is confirmed and transmitted); and transmit said order to said first processing unit (col. 13, lines 38-57).

Shiimori '461 does not disclose expressly transmitting routing information to said photographer processing unit to transmit images directly to the fulfillment center.

Cocotis '964 discloses Transmitting routing information to said photographer processing unit wherein said routing information is for transmitting said digital image to a one of said at least one fulfillment centers to process said order (col. 7, lines 45-56, photo service provider 404 generates a request for the digital image(s) that is directed toward interactive photo shop 402); and

transmitting said image directly to said fulfillment center processing unit using said routing information (col. 7, lines 45-58, photo service provider 404 receives digital images from interactive ship 402, see "image transfer" in Fig. 4).
It is inherent that the request sent by photo service provider 404 of Cocotis '964 includes routing information otherwise the photo shop 402 would not know where to send the images for the order.

At the time of the invention, it would have obvious to a person of ordinary skill in the art to transmit images directly from a photo orderer to photo provider. The motivation for doing so would have been to reduce traffic flowing through the order-taking server. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claim 1.

Referring to **claim 5**, Shiimori '461 discloses wherein said instructions for directing a first processing unit further comprise:

Instructions for directing said first processing unit to:

Determine said one of said at least one fulfillment centers to process said order from parameters received in said order responsive to receiving said order (col. 14, lines 5-10)

Referring to **claims 6 and 49**, Shiimori '461 discloses sending an order, but does not disclose expressly receiving a confirmation after the order is processed.

Cocotis '964 discloses wherein said instructions further comprise:

Instructions for directing said first processing unit to:

Receive a confirmation from said fulfillment center processing unit responsive to said order being processed (col. 7, lines 57-62, Photo service provider 404 sends a completion status to market portal 403 one ordered items are shipped).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to send a completion status when an order is completed. The motivation for doing so would have been to alert the customer of when to expect their photos. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claims 6 and 49.

Referring to **claims 7 and 50**, Shiimori '461 discloses charging for printing photographs, but does not disclose expressly debiting a photographer account.

Cocotis '964 disclose wherein said instructions further comprise:

Instructions for directing said first processing unit to:

debit a photographer account responsive to receiving said order (col. 7-8, lines 63-67, 1-6).

Shiimori '461 and Cocotis are combinable because they are from the same field of photograph ordering systems. At the time of the invention, it would have obvious to a person of ordinary skill in the art to debit a photographer account after receiving an order. The motivation for doing so would have been to extend a line of credit to the customer. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claims 7 and 50.

Referring to **claims 18 and 61**, Cocotis '964 disclose wherein said instructions for directing said photographer processing unit further comprise:

Instructions for directing said photographer processing unit to:

Receive said routing information from said first processing unit (col. 4, lines 55-67).

It is inherent that the system of Cocotis '964 transmits routing information to the photographer processing unit for transmitting images. A website maintained by the photo shop sent to the patron includes a URL which would be routing information.

Referring to **claims 20 and 63**, Cocotis '964 disclose wherein said instructions for directing said photographer processing unit further comprises:

Instructions for directing said photographer unit to:

Transmit said digital image to said one of said at least one fulfillment center using said routing information responsive to receiving said routing information (col. 7, lines 26-28).

Referring to **claims 22 and 65**, Shiimori '461 discloses wherein said instructions for directing said photographer processing unit to:

Instructions for directing said photographer unit to:

Transmit an account identification to said first processing unit responsive to transmitting said order (col. 14, lines 5-10).

Referring to **claims 24 and 67**, Shiimori '461 discloses wherein said request includes parameters for selecting said one of said at least one fulfillment centers to process said order (Fig. 18, col. 12, lines 14-24).

Referring to **claims 25 and 68**, Shiimori '461 discloses disclose wherein said parameters include a location of a fulfillment center (col. 3, lines 53-58).

Referring to **claims 26 and 69**, Cocotis '964 disclose wherein said parameters include sizes for said photographic product (Fig. 18, col. 12, lines 14-24).

Referring to **claims 27 and 70**, Shiimori '461 discloses wherein said parameters include graphics available for said photographic product (Fig. 18, col. 12, lines 14-24).

Referring to **claims 28 and 71**, Shiimori '461 discloses wherein said request includes parameters for selecting a fulfillment center, but does not disclose expressly wherein said parameters include price range.

Cocotis '964 discloses wherein said parameters include a range of prices for said photographic product (col. 10, lines 29-33).

At the time of the invention, it would have obvious to request fulfillment centers based on price range. The motivation for doing so would have been to provide the user a list of fulfillment centers that are within the desired price range. Therefore, it would

have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claims 28 and 71.

Referring to **claims 29 and 72**, Shiimori '461 discloses Instructions for directing a fulfillment center processing unit to:

Receive said order from said first processing unit,

Receive said digital image (col. 14, lines 5-10), and

Process said order to generate said photographic product (col. 14, lines 11-18); and

A media readable by said fulfillment center processing unit that stores said instructions.

Referring to **claims 30 and 73**, Shiimori '461 discloses wherein said instructions for directing said fulfillment center processing unit further comprising:

Instructions for directing said processing unit to: Store said digital image to a memory (col. 23, lines 14-19).

Referring to **claims 40 and 83**, Shiimori '461 discloses wherein said list of options includes photographic product sizes (col. 18, lines 39-43).

Referring to **claims 41 and 84**, Shiimori '461 discloses a list of options but does not disclose expressly wherein said options include types of paper.

Cocotis '964 disclose wherein said list of options includes types of paper available for said photographic product (col. 7, lines 29-32).

At the time of the invention, it would have obvious to include a paper type option. The motivation for doing so would have been to allow the customer to select the desired

paper type for their photographs. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claims 41 and 84.

Referring to **claims 42 and 85**, Shiimori '461 discloses wherein said list of options includes graphics available to said digital image to generate said photographic product (col. 13, lines 16-21).

Referring to **claims 43 and 86**, Shiimori '461 discloses wherein said list of options includes fulfillment centers that provide particular options (col. 11, lines 35-49).

Referring to **claim 44**, Shiimori '461 discloses a method for generating a photographic product from a digital image, said method comprising: (store server 30 of Fig. 1, col. 9, lines 1-5)

Maintaining a list of fulfillment centers available to generate a photograph from said digital image (Fig. 4, col. 10, lines 7-16) by a first processing unit (order-taking server 25 of Fig. 1, col. 9, lines 1-5);

Receiving a request from a photographer processing unit (client computer 1 of Fig. 1, col. 9, lines 1-5) for a list of options to generate said photographic product from said digital image in said first processing unit (Fig. 18, col. 12, lines 14-24);

Transmitting said list of options for generating said photographic product (Fig. 32, col. 18, lines 48-51) and a list of at least one fulfillment center that can fulfill said options from said first processing unit to said photographer processing unit (Fig. 19, col. 11, lines 35-49);

Utilizing said photographer processing unit, selecting a fulfillment center using said list of options and said list of at least one fulfillment center (A73 of Fig. 15, col. 13,

lines 38-57, list of options allows user to navigate backwards and select a different store);

Receiving an order from said photographer processing unit (col. 14, lines 5-10), said order specifying at least one fulfillment center to fulfill the order (col. 14, lines 30-34); and

Transmitting said order to a fulfillment center processing unit of said one of said at least one fulfillment centers (col. 14, lines 5-10).

Shiimori '461 does not disclose expressly transmitting routing information to said photographer processing unit to transmit images directly to the fulfillment center.

Cocotis '964 discloses Transmitting routing information to said photographer processing unit wherein said routing information is for transmitting said digital image to a one of said at least one fulfillment centers to process said order (col. 7, lines 45-56, photo service provider 404 generates a request for the digital image(s) that is directed toward interactive photo shop 402); and

transmitting said image directly to said fulfillment center processing unit using said routing information (col. 7, lines 45-58, photo service provider 404 receives digital images from interactive ship 402, see "image transfer" in Fig. 4).

It is inherent that the request sent by photo service provider 404 of Cocotis '964 includes routing information otherwise the photo shop 402 would not know where to send the images for the order.

At the time of the invention, it would have obvious to a person of ordinary skill in the art to transmit images directly from a photo orderer to photo provider. The

motivation for doing so would have been to reduce traffic flowing through the order-taking server. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claim 44.

Referring to **claim 59**, Shiimori '461 discloses wherein said utilizing comprises:

Establishing a connection between said photographer processing unit and said first processing unit;

Receiving said photographer list of said fulfillment centers from said first processing unit in said photographer processing unit (Fig. 19, col. 11, lines 35-49);

Displaying said photographer list of said fulfillment centers by said photographer processing unit (Fig. 19, col. 11, lines 35-49);

Transmitting said request from said photographer processing unit to said first processing unit (Fig. 18, col. 12, lines 14-24);

Receiving said list of options from said first processing unit product (Fig. 32, col. 18, lines 48-51);

Displaying said list of options by said photographer processing unit product (Fig. 32, col. 18, lines 48-51); and

Receiving in said photographer processing unit an input specifying at least one fulfillment center to fulfill an order (col. 11, lines 35-49).

Referring to **claim 60**, Shiimori '461 discloses wherein said instructions for directing said photographer processing unit further comprise:

Instructions for directing said photographer processing unit to: Receive an input of said order, and Transmit said order to said first processing unit (col. 14, lines 5-10).

Referring to **claim 89**, Shiimori '461 discloses a method for generating a photographic product from a digital image, said method comprising:
Maintaining in a first processing unit (order-taking server 25 of Fig. 1, col. 9, lines 1-5) a list of fulfillment centers available to generate a photograph from said digital image (Fig. 4, col. 10, lines 7-16);

Utilizing said photographer processing unit, viewing said list of fulfillment centers, displaying a list of options for generating said photographic product at one or more of said fulfillment centers (A73 of Fig. 15, col. 13, lines 38-57, list of options allows user to navigate backwards and select a different store), transmitting said digital image from said photographer processing unit to the fulfillment center processing unit of said selected fulfillment center, and transmitting said order to said first processing unit;

Receiving at said first processing unit an order from said photographer processing unit (col. 14, lines 5-10), said order specifying at least one fulfillment center to fulfill the order (col. 14, lines 30-34); and

Transmitting said order to a fulfillment center processing unit of said one of said at least one fulfillment centers (col. 14, lines 5-10).

Shiimori '461 does not disclose expressly transmitting images directly to the fulfillment center from said photographer processing unit.

Cocotis '964 discloses transmitting said image directly to said fulfillment center processing unit (col. 7, lines 45-58, photo service provider 404 receives digital images from interactive ship 402, see "image transfer" in Fig. 4).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to transmit images directly from a photo orderer to photo provider. The motivation for doing so would have been to reduce traffic flowing through the order-taking server. Therefore, it would have been obvious to combine Cocotis '964 with Shiimori '461 to obtain the invention as specified in claim 44.

Referring to **claim 90**, see the rejection of claim 15 above.

4. Claims 4 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 1 and 44 above, and further in view of Mori '559.

Referring to **claims 4 and 47**, Shiimori '461 discloses said digital image being transmitted to said fulfillment center processing unit, but does not disclose expressly receiving a confirmation after transmission.

Mori '559 discloses Receiving a confirmation from said photographer processing unit responsive to said digital image being transmitted to said fulfillment center server (page 4, paragraph 63, network facsimile device [initial image transmission device] transfers the received electronic delivery confirmation mail to the previously registered administrator mail address [designated server]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a confirmation that images had been received to a server. The motivation for doing so would have been to allow a server to know that the images were received without physically being at the source of image transformation. Therefore, it

would have been obvious to combine Mori '559 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 4 and 47.

5. Claims 8, 9, 11, 51, 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 1 and 44 above, and further in view of Blinn '411.

Referring to **claims 8 and 51**, Shiimori '461 discloses receiving payment, but does not disclose expressly credit funds to a photographer account.

Blinn '411 discloses wherein said instructions further comprise:

Instructions for directing said processing unit to:

Receive a transfer of funds from said photographer, and

credit said funds to said photographer account responsive receiving said funds are received (col. 15, lines 26-38, server receives amount to be transferred to the account).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to credit funds to an account. The motivation for doing so would have been to establish a line of credit for the photographer. Therefore, it would have been obvious to combine Blinn '411 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 8 and 51.

Referring to **claims 9 and 52**, Blinn '411 discloses wherein said funds are transferred electronically (col. 2, lines 18-29, electronic wallet allows user to add funds to accounts).

Referring to **claims 11 and 54**, Blinn '411 discloses wherein said instructions further comprise:

Instructions for directing said first processing unit to:

credit said funds received from said photographer to an account of said one of said at least one fulfillment centers responsive to receiving said funds (col. 2, lines 41-58, account usable for the merchant).

6. Claims 10 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461, Cocotis '964 and Blinn '411 as applied to claims 9 and 52 above, and further in view of Farros '810.

Referring to **claims 10 and 53**, Shiimori '461'962 discloses transmitting said order to said fulfillment center but does not disclose expressly transmitting the order responsive to receiving funds.

Farros '810 discloses wherein said instructions for transmitting said order to said fulfillment center processing unit are executed responsive to receiving said funds (col. 11, lines 11-14, receives payment before print order is transmitted).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transmitting the order responsive to receiving funds. The motivation for doing so would have been to prevent initiating a print order without receiving payment. Therefore, it would have been obvious to combine Farros '810 with Shiimori '461, Cocotis '964, and Blinn '411 to obtain the invention as specified in claims 10 and 53.

7. Claims 12, 13, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461, Cocotis '964 and Blinn '411 as applied to claims 11 and 54 above, and further in view of Compiano '445.

Referring to **claims 12 and 55**, Blinn '411 discloses a photographer account, but does not disclose expressly periodically debiting an account.

Compiano '445 discloses Periodically debited a service charge to said account of said one of said at least one fulfillment centers (page 2, paragraph 32-33, debit is periodically made from user's account).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to periodically debit a service charge from an account. The motivation for doing so would have been to charge a monthly fee for using a service. Therefore, it would have been obvious to combine Compiano '445 with Shiimori '461, Cocotis '964, and Blinn '411 to obtain the invention as specified in claims 12 and 55.

Referring to **claims 13 and 56**, Cocotis '964 disclose wherein said instructions for directing said first processing unit further comprises:

Instructions for directing said first processing unit to:

Maintain a count of a number of orders that said at least one fulfillment centers receives (col. 8, lines 14-23, metrics such as the number of ordered items and which photo service was involved).

8. Claims 14 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461, Cocotis '964, Blinn '411, and Compiano '445 as applied to claims 13 and 56 above, and further in view of Farros '810.

Referring to **claims 14 and 57**, Cocotis '964 disclose maintaining a count of a number of orders that said one of said at least one fulfillment centers receives, but does not disclose expressly debiting a charge after the count reaches a predetermined number.

Farros '810 discloses Debiting a transactional charge for said order responsive to said count being above a predetermined number (col. 11, lines 11-14, receives payment before every print order is transmitted [predetermined number is 1]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transmitting the order responsive to receiving funds. The motivation for doing so would have been to prevent initiating a print order without receiving payment. Therefore, it would have been obvious to combine Farros '810 with Shiimori '461, Cocotis '964, Blinn '411, and Compiano '445 to obtain the invention as specified in claims 14 and 57.

9. Claims 31, 32, 74 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 29 and 72 above, and further in view of Taniguchi '972.

Referring to **claims 31 and 74**, Shiimori '461 discloses storing said digital image at the fulfillment center, but does not disclose expressly deleting the image after the processing the order.

Taniguchi '972 discloses wherein said instructions for directing said fulfillment center processing unit further comprising:

Instructions for directing said fulfillment center processing unit to:

Delete said digital image from memory responsive to processing said order (col. 7, lines 49-58, print job deleted after job is complete).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to delete an order after it is completed. The motivation for doing so would have been to obtain memory space by deleting unneeded information. Therefore, it would have been obvious to combine Taniguchi '972 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 31 and 74.

Referring to **claims 32 and 75**, Shiimori '461 discloses storing said digital image at the fulfillment center, but does not disclose expressly deleting the image after the a period of time.

Taniguchi '972 discloses wherein said instructions for directing said processing unit further comprising:

Instructions for directing said fulfillment center processing unit to:

Delete said digital image from said memory responsive to a period of time being reached (col. 10, lines 10-18, print job is deleted after job effective term).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to delete an order after a period of time. The motivation for doing so would have been to retain the images for possible reprinting. Therefore, it would have been obvious to combine Taniguchi '972 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 32 and 75.

10. Claims 33, 34, 76 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 29 and 72 above, and further in view of Henning '827.

Referring to **claims 33 and 76**, Shiimori '461 discloses ordering digital images, but does not disclose expressly transmitting a status periodically.

Henning '827 discloses wherein said instructions for directing said fulfillment center processing unit further comprising:

Instructions for directing said fulfillment center processing unit to:

Transmit a status of said order periodically to said first processing unit (col. 2, lines 29-40, server periodically monitors the supplier to determine the status of the order).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transmit a status of an order periodically. The motivation for doing so would have been to provide notification of whether the order is completed or not. Therefore, it would have been obvious to combine Henning '827 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 33 and 76.

Referring to **claims 34 and 77**, Shiimori '461 discloses a fulfillment center, but does not disclose expressly transmitting an availability of the fulfillment center.

Henning '827 discloses wherein said instructions for directing said fulfillment center processing unit further comprising:

Instructions for said fulfillment center processing unit to:

Transmit an availability of said one of said at least one fulfillment centers to fulfill subsequent orders (col. 6, lines 26-32, verifies that the supplier exists).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to determine the availability of a fulfillment center. The motivation for doing so would have been to determine whether a particular service is available or not. Therefore, it would have been obvious to combine Henning '827 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 34 and 77.

11. Claims 15, 21, 58, 64, 87 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 1, 20, 44, and 63 above, and further in view of Arledge '294.

Referring to **claims 15 and 58** Shiimori '461 discloses a list of fulfillment centers but does not disclose expressly a web page listing said fulfillment centers.

Arledge 294 discloses maintaining a web page listing said fulfillment centers with hyper-linked text pointing to web pages listing said options for said fulfillment centers (Fig. 7, col. 14, lines 16-31).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to maintain a web page of fulfillment centers with links to their products. The motivation for doing so would have been to provide an interface for a customer to choose a fulfillment center and view the products. Therefore, it would have been obvious to combine Arledge 294 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 15 and 58.

Referring to claims 21 and 64, Shiimori '461 discloses transmitting said digital image to said first processing unit, but does not disclose expressly a transmitting a confirmation.

Official Notice is taken that it is well known and obvious to a person of ordinary skill in the art to transmit a confirmation after a transmission (See MPEP 2144.03). The motivation for doing so would have been to determine if the images have been sent correctly.

Referring to **claim 87**, Shiimori '461 discloses a system for transferring a digital image to a fulfillment center (store server 30 of Fig. 1, col. 9, lines 1-5) to generate a photographic product from said digital image comprising:

a computer readable medium embodying instructions for directing a first processing unit (order-taking server 25 of Fig. 1, col. 9, lines 1-5) to:

Maintain a list of at least one fulfillment centers available to generate a photograph from said digital image (Fig. 4, col. 10, lines 7-16);

Receive from said photographer processing unit a request for a list of options available from at least one of said fulfillment centers, said list of options comprising a plurality of options to generate said photographic product from said digital image

Receive an order from said photographer processing unit (col. 14, lines 5-10), said order specifying at least one fulfillment center to fulfill the order (col. 14, lines 30-34), and

Transmit said order to a fulfillment center processing unit of said one of said at least one fulfillment centers (col. 14, lines 5-10); and

a second computer readable medium embodying instructions for directing a photographer processing unit (client computer 1 of Fig. 1, col. 9, lines 1-5) to:

Establish a connection with said first processing unit;

Receive a list of fulfillment centers from said first processing unit (Fig. 19, col. 11, lines 35-49);

Display said list of said fulfillment centers (Fig. 19, col. 11, lines 35-49);

Send a request for a list of options available from at least one of said fulfillment centers, said list of options comprising a plurality of options to generate said photographic product from said digital image (Fig. 32, col. 18, lines 48-51);

Display said list of options (Fig. 32, col. 18, lines 48-51);

After said list of options is displayed, receive an input specifying at least one fulfillment center to fulfill said order (col. 13, lines 38-57, ordering information including the store that excepts the order is confirmed and transmitted); transmit said order to

said first processing unit (col. 13, lines 38-57); and transmit said digital image to said fulfillment center processing unit.

Shiimori '461 does not disclose expressly transmitting routing information to said photographer processing unit to transmit images directly to the fulfillment center.

Cocotis '964 discloses Transmitting routing information to said photographer processing unit wherein said routing information is for transmitting said digital image to a fulfillment center to process said order, wherein said fulfillment center prcessing unit is a different processing unit than said first processing unit (col. 7, lines 45-56, photo service provider 404 generates a request for the digital image(s) that is directed toward interactive photo shop 402); and

transmitting said image directly to said fulfillment center processing unit (col. 7, lines 45-58, photo service provider 404 receives digital images from interactive ship 402, see "image transfer" in Fig. 4).

It is inherent that the request sent by photo service provider 404 of Cocotis '964 includes routing information otherwise the photo shop 402 would not know where to send the images for the order.

At the time of the invention, it would have obvious to a person of ordinary skill in the art to transmit images directly from a photo orderer to photo provider. The motivation for doing so would have been to reduce traffic flowing through the order-taking server.

Shiimori '461 discloses a list of options but does not disclose expressly a web page listing said options.

Arledge 294 discloses connecting a photographer processing unit to a web page showing said list of options (Fig. 7, col. 14, lines 16-31).
At the time of the invention, it would have obvious to a person of ordinary skill in the art to maintain a web page of fulfillment centers with links to their products. The motivation for doing so would have been to provide an interface for a customer to choose a fulfillment center and view the products. Therefore, it would have been obvious to combine Cocotis '964 and Arledge 294 with Shiimori '461 to obtain the invention as specified in claim 87.

Referring to **claim 88**, see the rejection of claim 15 above.

12. Claims 23, 35-37, 39, 66, 78-80 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori '461 and Cocotis '964 as applied to claims 29, 60, and 72 above, and further in view of Garfinkle '157.

Referring to **claims 23 and 66**, Shiimori '461 discloses ordering digital images, but does not disclose expressly a graphic instruction set.

Garfinkle '157 discloses wherein said order includes a graphic instruction set for said photograph (col. 5, lines 20-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow a graphic instruction set for a photograph. The motivation for doing so would have been to allow customization of a photograph to the particular desires of a customer. Therefore, it would have been obvious to combine Garfinkle '157 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 23 and 66.

Referring to **claims 35 and 78**, Shiimori '461 discloses generating a digital image with a fulfillment center, but does not disclose expressly generating a proof from a digital image and a graphic set.

Garfinkle '157 discloses generating a proof from said digital image and a graphic instruction set (col. 8, lines 13-19).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art generate a proof from a digital image and graphic instruction set. The motivation for doing so would have been to evaluate the images for errors before printing the order. Therefore, it would have been obvious to combine Garfinkle '157 with Shiimori '461 and Cocotis '964 to obtain the invention as specified in claims 35 and 78.

Referring to **claims 36 and 79**, Garfinkle '157 discloses instructions for directing said fulfillment center processing unit further comprises: Instructions for directing said fulfillment center processing unit to: Read said graphic instruction set from said order (col. 5, lines 20-29).

Referring to **claims 37 and 80**, Garfinkle '157 discloses instructions for directing said fulfillment center processing unit further comprises: Instructions for directing said fulfillment center processing unit to: Receive said graphic instruction set from a photographer processing unit (col. 5, lines 20-29).

Referring to **claims 39 and 82**, Cocotis '964 disclose wherein said instruction for directing said fulfillment center processing unit further comprise: Instructions for

directing said fulfillment center processing unit to: Receive said digital image from a photographer processing unit (col. 7, lines 26-28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625